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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,098

Applicant(s)

PATEL, KANU

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-8 and 15-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 5,901,214) in view of Mankovitz (US 6,253,069).

Regarding **claim 1**, Shaffer discloses one number intelligent call processing system (column 1, lines 11-18), (which reads on claimed "a system for obtaining information of a person via a telephone network") comprising in combination:

(a) an automated call handler (213 on FIG. 2) coupled to the telephone network (212 on FIG. 2) and capable of receiving a request (column 28, line 19 "a telephone call") for information from a caller (column 28, line 21 "information") via the telephone network, querying (column 15, line 43 "prompting") the caller for details about the request, accessing the requested information (column 28, lines 25-26 "the information"), and providing the requested information to the caller in accordance with the request (column 28, lines 19-32) [The call processing center receives a call from a user and gets specific information from the user to retrieve the request service for the user];

(b) an audio controller (214 on FIG. 2) capable of providing outgoing audio messages (column 30, line 53 "voice messages") from the call handler to the caller via the telephone network (column 30, line 41 to column 31, line 5) [The VRU provides outgoing messages to the caller to receive and confirm information interacting from the caller via the network]; and

(c) a gateway terminal (230 on FIG. 2) coupled to the automated call handler and having a searchable database (231 on FIG. 2) having stored therein information (column 28, lines 14-18) [The gateway has access to the remote database that contains individual information of the caller].

Shaffer fails to disclose credit history information.

However, Mankovitz teaches an apparatus for providing credit history information for a customer (column 7, lines 25-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add credit history information of Mankovitz in the invention of Shaffer.

The modification of the invention would offer the capability of having credit history information such as the user would be able to access information on a customer.

Regarding **claims 2 and 16**, Shaffer discloses (d) a plurality of modems for converting a dual-tone multi-frequency (DTMF) signal into digit (column 28, lines 35-54).

Regarding **claims 3 and 17**, Shaffer discloses the gateway terminal further has a security checker for ensuring access to the searchable database by authorized callers (column 23, lines 35-54).

Regarding **claims 4 and 18**, Shaffer discloses the gateway terminal further has a data analyzer for converting the digits into at least one American Standard Code for Information Interchange (ASCII) character (column 3, lines 16-31).

Regarding **claims 5 and 19**, Shaffer discloses the gateway terminal further has a data search handler for searching the database based on the request provided by the caller (column 18, lines 21-48).

Regarding **claim 6**, Shaffer discloses the call handler is capable of faxing the credit history information to the caller (column 33, line 48 to column 34, line 3).

Regarding **claim 7**, Shaffer discloses the call handler mails the credit history information to the caller (column 37, lines 17-32).

Regarding **claim 8**, Shaffer discloses the call handler e-mails the credit history information to the caller (column 33, lines 15-24).

Regarding **claim 15**, Shaffer discloses a one number intelligent call processing system (column 1, lines 11-18), (which reads on claimed “a system for obtaining information of an entity via a telephone network”) comprising in combination:

- (a) an automated call handler (213 on FIG. 2) coupled to the telephone network (212 on FIG. 2) and capable of receiving a request (column 28, line 19 “a telephone call”) for information from a caller (column 28, line 21 “information”) via the telephone network (column 28, lines 19-24), querying (column 15, line 43 “prompting”) the caller for details about the request (column 23, lines 39-46), accessing the requested information (column 28, lines 25-26 “the information”), and providing the requested information to the caller in accordance with the request (column 28, lines 19-32) [The call processing center receives a call from a user and gets specific information from the user to retrieve the request service for the user];
- (b) an audio controller (214 on FIG. 2) capable of providing outgoing audio messages (column 30, line 53 “voice messages”) from the call handler to the caller via the telephone network (column 30, line 41 to column 31, line 5) [The VRU provides outgoing messages to the caller to receive and confirm information interacting with the caller and the network]; and
- (c) a gateway terminal (230 on FIG. 2) coupled to the automated call handler and having a searchable database (231 on FIG. 2) having stored therein information (column 28, lines 14-18) [The gateway has access to the remote database that contains individual information of the caller].

Shaffer fails to disclose the address information.

However, Mankovitz teaches an apparatus for providing the address information for a customer (column 6, lines 31-41).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the address information of Mankovitz in the invention of Shaffer.

The modification of the invention would offer the capability of having the address information such as the user would be able to locate the customer.

Regarding **claim 20**, Shaffer discloses the audio controller converts the address information into an audio response and the call handler provides the audio response to the caller (column 30, line 41 to column 31 line 5).

3. **Claims 9-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of Lowery (US 6,446,111).

Regarding **claim 9**, Shaffer discloses a one number intelligent call processing system (column 1, lines 11-18), (which reads on claimed "a system for obtaining information via a telephone network") comprising in combination:

(a) an automated call handler (213 on FIG. 2) coupled to the telephone network (212 on FIG. 2) and capable of receiving a request (column 28, line 19 “a telephone call”) for information from a caller (column 28, line 21 “information”) via the telephone network (column 28, lines 19-24), querying (column 15, line 43 “prompting”) the caller for details about the request (column 23, lines 39-46), accessing the requested information (column 28, lines 25-26 “the information”), and providing the requested information to the caller in accordance with the request (column 28, lines 19-32) [The call processing center receives a call from a user and gets specific information from the user to retrieve the request service for the user];

(b) an audio controller (214 on FIG. 2) capable of providing outgoing audio messages (column 30, line 53 “voice messages”) from the call handler to the caller via the telephone network (column 30, line 41 to column 31, line 5) [The VRU provides outgoing messages to the caller to receive and confirm information interacting with the caller and the network]; and

(c) a gateway terminal (230 on FIG. 2) coupled to the automated call handler and having a searchable database (231 on FIG. 2) having stored therein information (column 28, lines 14-18) [The gateway has access to the remote database that contains individual information of the caller].

Shaffer fails to disclose book availability information.

However, Lowery teaches a database that contained books availability information (column 14, lines 1-21).



It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the book availability information of Lowery in the invention of Shaffer.

The modification of the invention would offer the capability of having a book availability information data such as the user would search for the book authors.

Regarding **claim 10**, Shaffer discloses (d) a plurality of modems for converting a dual-tone multi-frequency (DTMF) signal into at least one digit (column 28, lines 35-54).

Regarding **claim 11**, Shaffer discloses the gateway terminal further has a security checker for ensuring access to the searchable database by authorized callers (column 23, lines 35-54).

Regarding **claim 12**, Shaffer discloses the gateway terminal further has a data analyzer for converting the digits into at least one American Standard Code for Information Interchange (ASCII) character (column 3, lines 16-31).

Regarding **claim 13**, Shaffer discloses the gateway terminal further has a data search handler for searching the database based on the request provided by the caller (column 18, lines 21-48).

Regarding **claim 14**, Shaffer discloses the audio controller converts the book availability information into an audio response and the call handler provides the audio response to the caller (column 30, line 41 to column 31 line 5).

4. **Claims 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of Mankovitz and in further view of Lowery.

Regarding **claim 21**, Shaffer discloses a one number intelligent call processing system (column 1, lines 11-18), (which reads on claimed “an automated system for providing information to a caller from a database through a telephone network”), the system comprising in combination:

- (a) means (214 on FIG. 2) for providing interactive communication with the caller (205 on FIG. 2) via the telephone network (212 on FIG. 2), wherein the means interactively queries (column 15, line 43 “prompting”) the caller to submit a request (column 28, line 19 “a telephone call”) on a step-by-step basis (column 28, lines 19-32) [The call processing center receives a call from a user and gets specific information from the user to retrieve the request service for the user];
- (b) means (214 on FIG. 2) for receiving a plurality of character responses (column 3, line 24 “typed characters”) from the caller, wherein each response represents a single ASCII character (column 3, lines 16-31) [The VRU receives a character as response from the caller];

(c) means (column 3, line 32 "computers" for analyzing and converting the plurality of character responses (column 3, line 24 "typed characters") from the caller into a database search request (column 3, lines 32-38) [The computer translates the typed text into DTMF tones];

(d) searchable database means (231 on FIG. 2) for storing information (column 31, lines 9-16) and coupled to the means for providing interactive communication with the user (column 28, lines 14-18) [The gateway has access to the remote database that contains individual information of the caller]; and

(e) a database search means (218 on FIG. 3) for searching the searchable database means using the database search request (column 31, lines 9-31) [The SQL database server search the databases and store the information to be send to the VRU for the user].

Shaffer fails to disclose the credit history information and the address information.

However, Mankovitz teaches an apparatus for providing the credit history information (column 7, lines 25-42) and the address information for a customer (column 6, lines 31-41).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the credit history information and the address information of Mankovitz in the invention of Shaffer.

The modification of the invention would offer the capability of having the credit history information and the address information such as the user would be able to locate and service the customer.

Shaffer and Mankovitz fail to disclose a book availability information database.

However, Lowery teaches a database that contained books availability information (column 14, lines 1-21).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add a database with book availability information of Lowery in the invention of Shaffer.

The modification of the invention would offer the capability of having a book availability information data such as the user would search for the book authors.

Regarding **claim 22**, Shaffer discloses a one number intelligent call processing system (column 1, lines 11-18), (which reads on claimed "a method of obtaining information from a database through a telephone system"), the method comprising the steps of:

- (a) interactively querying (column 15, line 43 "prompting") a caller (205 on FIG. 2) to submit a request (column 28, line 19 "a telephone call") for the information on a step-by-step basis (column 28, lines 19-32) [The call processing center receives a call from a user and gets specific information from the user to retrieve the request service for the user];

- (b) receiving a plurality of character responses (column 3, line 24 "typed characters") from the caller to form a request, wherein each response represents a single ASCII character (column 3, lines 16-31) [The VRU receives a character as response from the caller];
- (c) analyzing and converting the plurality of character responses (column 3, line 24 "typed characters") from the caller to form a database search request (column 3, lines 32-38) [The computer translates the typed text into DTMF tones];
- (d) searching in a database means (231 on FIG. 2) for the requested information (column 31, lines 9-31) [The SQL database server search the databases and store the information to be send to the VRU for the user]; and
- (e) providing the requested information to the caller (column 27, lines 59-64) [The CTI network provides service information to the caller at a calling location].

Shaffer fails to disclose the credit history information and the address information.

However, Mankovitz teaches an apparatus for providing the credit history information (column 7, lines 25-42) and the address information for a customer (column 6, lines 31-41).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the credit history information and the address information of Mankovitz in the invention of Shaffer.

The modification of the invention would offer the capability of having the credit history information and the address information such as the user would be able to locate and service the customer.

Shaffer and Mankovitz fail to disclose a book availability information database.

However, Lowery teaches a database that contained books availability information (column 14, lines 1-21).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add a database with book availability information of Lowery in the invention of Shaffer.

The modification of the invention would offer the capability of having a book availability information data such as the user would search for the book authors.

Regarding **claim 23**, Shaffer discloses the gateway terminal further has a data analyzer for converting the digits into at least one American Standard Code for Information Interchange (ASCII) character (column 3, lines 16-31).

5. **Claims 24 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of Mankovitz and in further view of Dlugos (US 4,135,662).

Regarding **claims 24 and 26**, Shaffer and Mankovitz as applied to **claims 1 and 15** above differ from **claims 24 and 26** in that it fails to disclose a conversion module that transforms a first digit and a second digit into a letter.

However, Dlugos teaches:

e) a conversion module that transforms a first digit and a second digit into a letter, wherein the first digit identifies a group of letters and the second digit identifies the letter within the group (column 6, lines 18-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add a conversion module that transforms a first digit and a second digit into a letter of Dlugos in the invention of Shaffer and Mankovitz.

The modification of the invention would offer the capability of having a conversion module that transforms a first digit and a second digit into a letter such as the operator would correct the system errors.

6. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of Lowery and in further view of Dlugos (US 4,135,662).

Regarding **claim 25**, Shaffer and Lowery as applied to **claim 10** above differ from **claim 25** in that it fails to disclose a conversion module that transforms a first digit and a second digit into a letter.

However, Dlugos teaches:

e) a conversion module that transforms a first digit and a second digit into a letter, wherein the first digit identifies a group of letters and the second digit identifies the letter within the group (column 6, lines 18-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to add a conversion module that transforms a first digit and a second digit into a letter of Dlugos in the invention of Shaffer and Lowery.

The modification of the invention would offer the capability of having a conversion module that transforms a first digit and a second digit into a letter such as the operator would correct the system errors.

### ***Response to Arguments***

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).



8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "wherein the gateway terminal further has a security checker for ensuring access to the searchable database by authorized callers") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

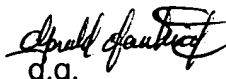
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
g.g.  
August 19, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

